

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLINT ARTHUR,

Plaintiff,

-against-

ORCHESTRATE BUSINESS LLC et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/23/2024

24-CV-02985 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

Plaintiff Clint Arthur brings this action against Defendants Raffi Andonian and Orchestrate Business LLC, invoking the Court's subject matter jurisdiction on the ground of diversity of citizenship. *See* 28 U.S.C. § 1332.

"It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record." *Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996). Where a complaint premised on diversity of citizenship names a limited liability company as a party, the complaint must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. *See Platinum-Montaur Life Sciences, LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 615 (2d Cir. 2019); *Handelsman v. Bedford Village Assocs. Ltd. Partnership*, 213 F.3d 48, 51-52 (2d Cir. 2000).

In the complaint, Plaintiff alleges that he is a citizen of New York. *See* Complaint, Dkt. No. 1 ¶ 5. Plaintiff alleges that Defendant Andonian is a citizen of Missouri, *see id.* ¶ 6, and that Defendant Orchestrate Business LLC "is an LLC organized under the laws of Missouri, with a principal place of business [in Missouri]." *Id.* ¶ 7. The Complaint does not identify the members of Orchestrate Business LLC or allege the citizenship of its members.

Accordingly, it is hereby ORDERED that, on or before **May 22, 2024**, Plaintiff shall amend the Complaint to affirmatively allege the citizenship of each constituent person or entity comprising Defendant Orchestrate Business LLC. If, by that date, Plaintiff is unable to amend the Complaint to truthfully allege complete diversity of citizenship, then the Complaint may be dismissed for lack of subject matter jurisdiction without further notice to either party.

Dated: April 23, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge